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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 000027777

Conf. No. 5468

Applicants: Stephens, Randy

Serial No.: 10/612,785

Art Unit 3736

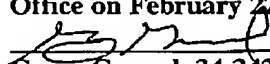
Filed : July 2, 2003

Examiner: Charles Alan Marmor II

For : Surgical Biopsy Device Having Automatic Rotation of the Probe for Taking Multiple Samples

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

I certify this correspondence is being transmitted by facsimile to the United States Patent Office on February 22, 2005.

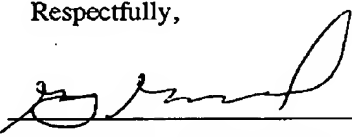

Gerry Gressel 34,342

Response to Notice of Non Compliant Amendment dated Feb 17, 2005

Dear Sir:

Please consider the revised "Amendments to the Claims" section in response to the Notice of Non Compliant Amendment dated 2/17/05. Please charge any necessary fee to Deposit Account 10-0750/END712DIV1/GSG.

Respectfully,


Gerry Gressel, Reg. 34,342

Johnson & Johnson
Patent Department
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

Feb. 22, 2005

513-337-3535



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/22/2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The status of this amendment paper has not been presented in accordance with 37 CFR 1.121.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/precomnotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.


CHARLES MARMOR
PRIMARY EXAMINER

(571) 272-4730

Telephone No.

Rev. 6/04



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,785	07/02/2003	Randy R. Stephens	END 727 DIV1/GSG	5468
27777	7590	02/17/2005	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			MARMOR II, CHARLES ALAN	
			ART UNIT	PAPER NUMBER
			3736	
DATE MAILED: 02/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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I&J PAT. DKT. SECTION